



W.P.(MD).No.13403 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.13403 of 2012

and

M.P(MD)No.1 of 2012

P.Thirupathi

... Petitioner

Vs.

1.Madras State Bhoodan Yagna Board,
Represented by its Chairman,
Secretariat,
Chennai-09.

2.The District Collector,
Dindigul District,
Dindigul.

3.The District Revenue Officer,
Dindigul District,
Dindigul.

4.The Bhoodan Inspector,
Tamil Nadu Bhoodan Board,
Dindigul District,
Dindigul.

5.The Divisional Manager,
Southern Railways,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents No.2 to 5 from evicting the Petitioner from the peaceful enjoyment in Survey Nos.174-A2 and 173-A in an extent of 1 Acre situated at Ottanchathiram, Palani Taluk, Dindigul District, without due process of law.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R2 and R3

M/s.L.Victoria Gowri
Assistant Solicitor General
for R5

No Appearance
for R1 and R4

ORDER

The present writ petition has been filed challenging a show cause notice issued by the second respondent herein, calling for an explanation from the writ petitioner why the allotment under the Boothan Yagna Board to the petitioner should not be cancelled, because he has utilized the land for commercial purposes.



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2. The learned counsel for the petitioner has contended that the land allotted under the Boothan Yagna Board has not been utilized for commercial purposes. Since some third parties attempted to encroach over the land, the petitioner's father has put up some shops on the boundary of the land allotted and it is not within the land allotted to the writ petitioner under the Boothan Yagna Board.

3. According to the learned counsel for the petitioner, complaint about the encroachment has already been made to the first respondent on 05.01.2000 itself. This will clearly strengthen the case of the writ petitioner that no commercial activities are being carried out within the land allotted under the Boothan Yagna Board. The learned counsel for the petitioner has submitted his explanation to the show cause notice on 20.02.2012.

4. However, the learned counsel for the respondent had contended that the constructions are within the land allotted under the Boothan Scheme and hence, the said show cause notice has been issued.



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5. I have carefully considered the submissions on either side.

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6. The notice impugned in the writ petition is only a show cause notice, for which the writ petitioner has submitted his explanation on 20.02.2012. Hence, the first respondent is at liberty to proceed further and pass orders. However, before proceeding with an enquiry, the first respondent is directed to send some of his subordinate officials with a surveyor to find out whether the alleged commercial constructions are lying within the land allotted under the Boothan Scheme and thereafter, proceed further.

7. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

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- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD).No.13403 of 2012

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